IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI CENTRAL DIVISION

JOHN W. CROMEANS., JR., Individually and on behalf of all others similarly situated,	)	
Plaintiff,	)	No. 2:12-CV-04269-NKL
v.	)	
MORGAN KEEGAN & CO., INC., et al.,	)	
Defendants.	)	

ORDER

Defendant Morgan Keegan & Co., Inc. asks in its motion in limine number 5A to exclude several specifically identified excerpts of the testimony of Lindsey Leveen, who was retained by Bruce Cole to handle chemical engineering work for Mamtek. [Doc. 588, p. 27 and Doc. 588-2; Doc. 592, p. 6]. Morgan Keegan argues that the identified testimony constitutes expert opinion and should be excluded because Plaintiffs did not disclose Leveen as an expert.

The Court has examined the excerpts identified by Morgan Keegan, set out in the Attachment to this Order, and reviewed the parties' briefing. The Court has also considered its prior ruling concerning Casey O'Brien, a lay witness whose declaration contained facts and expert opinions. [Doc. 564.] O'Brien was not disclosed as an expert witness, and the Court held that his expert opinions were not admissible. Similarly here, Leveen's testimony contains facts, gathered by Leveen in the course of working on the

Mamtek project and upon which Leveen based his work, as well as expert opinions. Leveen was not designated by Plaintiffs as an expert.

The Court therefore grants Morgan Keegan's motion in limine number 5A with respect to the deposition excerpts containing Leveen's expert opinions, highlighted in the Attachment. Morgan Keegan's motion in limine number 5A is denied in all other respects.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: January 5, 2015
Jefferson City, Missouri

ATTACHMENT

TextMap Annotation Digest Report

Case Name: Morgan Keegan_Mamtek
Transcript: Leveen, Lindsay SHELTER 05.29.14

Pg: 16 Ln: 10 – 21

Annotation:

16:10 A. And I had designed semiconductor factories and
11 seen what factories were in China, and actually I was the
12 expert witness for AIG and Lloyds of London on a
13 semiconductor factory fire in Taiwan called the UMC fire.
14 At that time it was the largest single claim ever made for a
15 fire in a semiconductor, and I knew that China and Taiwan
16 cut corners like crazy in terms of safety and all sorts of
17 stuff.
18 Q. Um-hmm.
19 A. I mean I was in charge of Bechtel's business
20 there, and I had to ream out many engineers in Taiwan and
21 China over 6 years to do their job right.

Pg: 22 Ln: 5 - Pg: 29 Ln: 1

Annotation:

22: 5 A. I said holy guess what. Begins with a "C" and
6 ends in a "P." I said phosgene, triphosgene. This is
7 serious chemistry. It's a darned good thing we are going to
8 get HPM systems and guys who really know what they are doing
9 to deal with this, because in the cookbook, it talks about
10 manholes and open reactors and all sorts of stuff that --
11 just OSHA and the U.S. building codes and various codes.
12 You have got to realize that back in the late 80's,
13 I helped develop the codes for semiconductor factories which
14 have a lot of toxic gases in it, and it's called the toxic
15 gas model ordinance --
16 Q. Um-hmm.
17 A. -- for Santa Clara County. Prior to that,
18 people could have killed each other fabricating
19 semiconductors because they had toxic gas bottles in the
20 middle of the factory, and the whole thing got -- and these
21 guys from HPM worked with me on that.
22 Q. Okay. Now, let's start with phosgene and
23 triphosgene. Why did that cause you concern?
24 A. Because I knew that triphosgene could become
25 phosgene gas, and phosgene gas is basically what was used in
23: 1 World War I as poison gas, but I had worked on phosgene or
2 non-phosgene chemistry for making isocyanides back at Air
3 Products, and phosgene gas is basically carbon monoxide
4 that's reacting with chlorine, a really horrible gas as you
5 ever want to die by, and I sort of said -- and then there
6 were all of these other chemicals that were highly
7 flammable, and some of them were corrosive.
8 Q. Well, sticking with phosgene, there was some
9 testimony earlier -- Michael Wise seemed to be -- no,
10 actually, strike that. That would be mischaracterizing.

11 Let me -- let me just ask this. Is triphosgene any
12 safer than phosgene?
13 MR. SUTER: Objection.

Pg: 22 Ln: 5 - Pg: 29 Ln: 1 **continued...**

Annotation:
23:14 BY MR. WADSWORTH:
15 Q. To your knowledge, as a chemical engineer.
16 MR. SUTER: Object to form. Lacks foundation.
17 Overbroad. Vague and ambiguous.
18 BY MR. WADSWORTH:
19 Q. You can answer.
20 A. Triphosgene is a salt, so it's a solid, but if
21 moisture touches it, it becomes phosgene. Handling a gas
22 actually is simpler than handling a solid when you are
23 trying to get it into a reactor because you can get a gas or
24 a liquid via pipe into a reactor.
25 To try and dispense a solid into a reactor or a
24: 1 mixing system requires load locks and all sorts of solid
2 handling that you don't get it moist.
3 It turns out we spent 5 months with some of the
4 best chemists and engineers trying to see how to handle
5 triphosgene, and it was unavailable in the United States.
6 It had to be sourced in China.
7 Q. Um-hmm.
8 A. Okay? So in answering your question, they're
9 equally bad, but I think phosgene is actually easier to
10 dispense into a reactor, and we found out that Tate and Lyle
11 did that.
12 Q. Okay. Now, you mentioned some other corrosive
13 chemicals as well. Do you remember what those --
14 A. Sodium hydroxide.
15 Q. Okay.
16 A. Caustic soda.
17 So in order to sort of neutralize the reaction
18 after the chlorination, they throw in caustic sodas, sodium
19 hydroxide, and it yields salt, NaCl, and takes the spare
20 chlorines away. That's highly corrosive. It's Drain-o, but
21 in concentrated form.
22 Q. Okay. Okay. I believe I have seen it
23 referenced as well, thionyl chloride?
24 A. Thionyl chloride came in later.
25 Q. Okay.
25: 1 A. When we -- after 5 and a half months of trying
2 with the triphosgene, David Ho said they had actually done
3 chemistry with thionyl chloride.
4 Q. Okay.
5 A. It's a corrosive material, but it's a liquid,
6 and I told you liquids are easier to dispense into reactors,
7 just as gases are easier and solids are hard to.
8 Q. Um-hmm.
9 A. We found a source of thionyl chloride. It was
10 out of Europe, but they actually had a customer in Kansas
11 City, so it was actually available in the United States and
12 could be done, and that became the chosen chlorination

Pg: 22 Ln: 5 - Pg: 29 Ln: 1 **continued...**

Annotation:

25:14 Q. Okay. Is that also -- let me start with this.
15 Is triphosgene a hazardous material?
16 MR. SUTER: Object to the form of the question.
17 Vague and ambiguous.
18 BY MR. WADSWORTH:
19 Q. By your definition?
20 A. It's a highly hazardous material.
21 Q. Okay.
22 A. If I might say, we even tried to get the --
23 well, Keith Crumley -- and we will get into him and who he
24 worked with, which was Tom, Colonel Tom, Tom Smith.
25 Q. Yes.
26: 1 A. Guy. Crumley claimed that he could go to the
2 Missouri National Guard and have them keep all the
3 triphosgene and just bring us the little bits we needed
4 daily when we were going nowhere on how to store vast
5 amounts of triphosgene.
6 Q. What were the challenges of trying to store
7 triphosgene?
8 A. The slightest amount of moisture would make it
9 into phosgene gas.
10 Q. Were there regulations put by various -- by
11 any federal regulatory bodies on how to store it? Were
12 there any regulations concerning that?
13 A. There are -- that's why we hired this guy Dean
14 Novy who is a chemist and has like 50 -- he's like almost
15 80 years old now. He was an expert in how to sort of mix
16 chemicals, do chemicals, store chemicals, safely store
17 chemicals; and he worked with an architect who was an expert
18 at codes on chemical storage bunkers, and they banged their
19 head against the wall for 5 months and never got to an
20 answer.
21 Q. Okay.
22 A. So it wasn't from lack of trying and lack of
23 talent that we couldn't come up with how to deal with it.
24 The product was available from China in like paint
25 pails that had a plastic bag in them. It wasn't available
27: 1 like in a carboy or a big thing, so we were going to have to
2 handle thousands -- hundreds of thousands maybe per year of
3 paint cans, plastic, and get the stuff out of that without
4 getting moisture into it, into the storage, and then into
5 the solvent which was DMF.
6 Q. And I believe you testified to this earlier.
7 Triphosgene is not readily -- not readily --
8 A. Unavailable in the United States.
9 Q. Unavailable in the United States.
10 A. Unavailable. Well, we couldn't find a source.
11 Q. All right. In addition to triphosgene, you
12 mentioned a few other chemicals. How many of those would
13 you say are hazardous?

Pg: 22 Ln: 5 - Pg: 29 Ln: 1 **continued...**

Annotation:

27:14 A. I'd say --
15 MR. SUTER: Excuse me. I'm going to object as to
16 form. Lacks foundation. Calls for speculation.
17 BY MR. WADSWORTH:
18 Q. All right. Well, let's just start here. Mr.
19 Leveen, as a chemical engineer, do you have any background
20 which would enable you to determine which chemicals are
21 hazardous or not?
22 A. Yes.
23 MR. SUTER: Same objections. Vague and ambiguous.
24 BY MR. WADSWORTH:
25 Q. Okay. What chemicals -- let's just start with
28: 1 in the cookbook --
2 A. Yes.
3 Q. -- gave you concerns that they might be
4 potentially hazardous?
5 MR. SUTER: Same objection.
6 THE WITNESS: I would say when I read the cookbook,
7 every chemical gave me concern for either flammability,
8 toxicity or corrosivity.
9 BY MR. WADSWORTH:
10 Q. Um-hmm.
11 A. And when I got the cookbook -- and then we had
12 the third meeting on August the 1st at my house. That night
13 we were going to have a big time dinner with the team that
14 was going to go to China, that did go to China.
15 One of the chemical engineers, Vasfi Basaran who
16 went to China, was given the list. I didn't give him the
17 cookbook because Bruce said guard the cookbook with your
18 life, but I gave him the list of chemicals, and I said,
19 "Vasfi, get me the material safety data sheets on each and
20 every one of these chemicals before you go to China because
21 you are going to be smelling, seeing, touching, breathing,
22 whatever, these chemicals," and he came up with the material
23 safety data sheet. So each and all of the chemicals that I
24 had listed from the cookbook, and each of them had hazards,
25 according to the material data safety sheet, except for the
29: 1 sugar.

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Pg: 43 Ln: 19 - Pg: 44 Ln: 14

Annotation:

43:19 Q. Did you feel -- did you feel after the team
20 came back from China that they had a turn-key operation that
21 you could build easily in --
22 A. No.
23 Q. -- Moberly, Missouri?
24 A. We had the beginnings of a mass balance and
25 heat balance that then took another month or two to get
44: 1 completed by Shoou-I and Jianfen.
2 Q. Could you explain to the jury why mass balance

3 and heat balance is -- where you started? Why that's
4 important?
5 A. So when you have got a chemical engineering
6 project, whether it's making ammonia or plastics, you need
7 to know how much chemicals you are going to use of each per
8 day per hour, if it's continuous, if it's batch, how much

Pg: 43 Ln: 19 - Pg: 44 Ln: 14 **continued...**

Annotation:
44: 9 energy needs to go into each unit operation, if it's the
10 reactor, if it's the purifier, if it's the crystallizer or
11 whatever, and chemical engineers use mass and heat balances.
12 But basically it tells you step-by-step what really is
13 happening, what the temperatures are, what the poundage
14 inside the reactor is, so you really know what's going on.

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Pg: 68 Ln: 15 - Pg: 69 Ln: 19

Annotation:
68:15 Q. I'm still on page 10. I'm sorry. I'm back on
16 221. I jumped on you. It says: In addition, Mamtek's
17 unique manufacturing process neither require nor produce --
18 "processes neither require nor produce any hazardous
19 substances to manage during production." Is that --
20 A. That is a total nonsense.
21 Q. Okay. For the reasons that we have discussed
22 earlier.
23 A. Yes.
24 Q. Okay.
25 A. And that's what I told Reena, because both --
69: 1 Bruce and Reena, prior to this August 1st meeting, were
2 saying that they have got something. There's no waste.
3 There's no this. There's no that. There's no chemical, you
4 know, and I said, "Reena, we have got a chemical plant, not
5 a Betty Crocker baking plant."
6 Q. And then it says: In result though, the
7 processes, I guess, "result in no hazardous waste products
8 for disposal."
9 A. Not true.
10 Q. Not true?
11 A. And you should ask Stanek.
12 Q. About what the black sludge was?

Pg: 68 Ln: 15 - Pg: 69 Ln: 19 **continued...**

Annotation:
69:13 A. About how he spent 6 months trying to deal
14 with hazardous material, hazardous waste material.
15 Q. Okay.
16 A. There's one thing.
17 Q. Yes.
18 A. David Ho claimed that they threw this black
19 sludge into the tea plantation that he owned in China.

Pg: 75 Ln: 8 - 12

Annotation:

75: 8 Q. How much had the Mamtek process changed by
9 August or September of 2011 from what it was represented in
10 the cookbook that you received?
11 A. I'd say the essence was close. The reality
12 was it was a totally different process.

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Pg: 87 Ln: 18 - Pg: 88 Ln: 22

Annotation:

87:18 Q. How much time did it take you in examining the
19 cookbook to become concerned about the viability of the
20 project?
21 MR. SUTER: Objection. Lacks foundation. Object
22 to form.
23 THE WITNESS: In reading the cookbook, I mean
24 glossing over it and looking at the chemicals, probably
25 within 15 minutes of reading it, I said: Hey, we have
88: 1 got -- Houston, we have got a problem. These are really
2 difficult chemicals to handle.
3 I didn't know what they had designed yet, but I was
4 pretty happy that, you know, we were -- you know, that's
5 when I said to Bruce: "You have got to get a professional
6 and really look at this thing."
7 BY MR. WADSWORTH:
8 Q. And you're obviously a very experienced

Pg: 87 Ln: 18 - Pg: 88 Ln: 22 continued...

Annotation:

88: 9 chemical engineer. Would any chemical engineer, say of
10 average ability, come to the same concerns within
11 15 minutes?
12 MR. SUTER: Excuse me. I'm going to object to the
13 form of the question. Lacks foundation. Calls for
14 speculation. Argumentative. Vague and ambiguous.
15 MR. WADSWORTH: I thought it was complimentary
16 rather than argumentative. I said that he had a lot of -- a
17 lot of experience.
18 MR. SUTER: That was the preface. The question
19 itself was objectionable.
20 THE WITNESS: Someone who's been trained in
21 hazardous materials would have said there's flammability.
22 There's corrosivity, and there's hazards.

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Pg: 93 Ln: 7 - Pg: 96 Ln: 4

Annotation:

93: 7 Q. Okay. And based upon your education and
8 training as someone possessing a Bachelor's degree and a
9 Master's degree in chemical engineering and a Monsanto
10 Fellow, did the process reflected in the cookbook in
11 Exhibit 562 reflect or represent a fire hazard?
12 A. Yes.
13 MR. SUTER: Objection. Excuse me, I do have two
14 objections. Object to form. Lacks foundation.
15 BY MR. KRONAWITTER:
16 Q. And based upon your education and training,
17 did the process reflected in the cookbook, Exhibit 562,
18 represent a safety hazard?
19 MR. SUTER: Same objection.
20 THE WITNESS: Yes, because it talks about open
21 vessels and pouring and things through manholes.
22 BY MR. KRONAWITTER:
23 Q. Now, you mentioned the manholes. Is that
24 allowed in the U.S. under OSHA requirements or under safety
25 regulations, dumping hazardous chemicals through a manhole?
94: 1 MR. SUTER: Objection, argumentative. Lacks
2 foundation. Calls for speculation.
3 THE WITNESS: The fire codes allow open vessels.
4 There's different requirements on how you deal with that if
5 it's open versus closed. Okay? OSHA would not allow humans

Pg: 93 Ln: 7 - Pg: 96 Ln: 4 continued...

Annotation:

94: 6 to pour these chemicals by hand through a manhole into a
7 reactor.
8 BY MR. KRONAWITTER:
9 Q. When you first reviewed the cookbook, did the
10 process reflected in the cookbook appear to be rudimentary?
11 MR. SUTER: Objection. Vague and ambiguous.
12 BY MR. KRONAWITTER:
13 Q. Do you know what the word "rudimentary" means?
14 A. Yes. I know what the word means.
15 Q. You have a Master's degree, a Bachelor's
16 degree, and an MBA. You know what the word "rudimentary"
17 means.
18 A. Right.
19 Q. I'm just taking care of the objection.
20 Did the process reflected in the cookbook appear to
21 you to be rudimentary?
22 A. It was basic and not very detailed.
23 Q. Did it require, for example, chemicals to be
24 stirred in a bucket? Exhibit 6 --
25 MR. SUTER: Would you point us to where you're --
95: 1 THE WITNESS: Could you point to -- I don't
2 recollect --
3 BY MR. KRONAWITTER:
4 Q. Take a look at Exhibit 6 or page 6 of
5 Exhibit 562.

MR. SUTER: What's the Bates, please?
BY MR. KRONAWITTER:
Q. At the bottom right corner, it's numbered
UMB 2693. In the bottom right corner.
A. Where is it?
Q. And under paragraph 2.2.1.8 that begins "after
distillation," do you see that?
A. Yeah. I mean I don't remember the word
"bucket," but that is pretty rudimentary.
Q. Do you see that a lot?
MR. SUTER: Object to the question to the extent it
misstates the document.
BY MR. KRONAWITTER:
Q. Based on your education and training -- and
you have been around the block, so to speak, in terms of
chemical engineering and design and construction of plants
relating to chemicals, haven't you?
A. Yes.
Q. I mean how many years have you spent in the
field?
96: 1 A. 37 years.
2 Q. Do you see a lot of chemicals being stirred in
3 buckets in U.S. chemical factories?
4 A. No.

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Pg: 97 Ln: 15 - Pg: 98 Ln: 5

Annotation:
97:15 Q. And based on your review of the MSDS for
16 triphosgene, do you have an opinion about whether or not
17 triphosgene is hazardous?
18 MR. SUTER: Object to the use of the term as we
19 have not seen the document, and the witness, I don't
20 believe, has seen the document before. I think it's vague
21 and ambiguous in this context.
22 THE WITNESS: So I have seen other MSDS sheets for
23 triphosgene. They are all fairly similar. It depends on
24 which company issues them. This is what Vasfi Basaran
25 collected on all of the chemicals he collected, including
98: 1 triphosgene. Triphosgene is highly toxic.
2 BY MR. KRONAWITTER:
3 Q. And as a chemical engineer, do you equate
4 highly toxic with hazardous?
5 A. Super hazardous.

Pg: 99 Ln: 9 - 11

Annotation:
99: 9 Q. And do you agree that ethyl acetate and DMF
10 are also hazardous?
11 A. Yes.

Pg: 100 Ln: 20 - Pg: 101 Ln: 7

Annotation:

100:20 THE WITNESS: They went to China to see what was in
21 China, establish heat and mass balances, the beginnings of
22 the design of what could come to the U.S. I think we
23 wouldn't have copied what was in China other than
24 establishing the chemistry of how it was made.
25 BY MR. KRONAWITTER:
101: 1 Q. Based upon the information you were given, you
2 came to the conclusion that whatever the actual equipment
3 and production line existed in China, could not be
4 replicated and used in the U.S.; is that correct?
5 MR. SUTER: Objection. Overbroad.
6 THE WITNESS: I came to the conclusion that we had
7 to start from scratch.

Pg: 107 Ln: 8 - Pg: 109 Ln: 5

Annotation:

107: 8 Q. You mentioned the hazardous waste products
9 produced from the production of sucralose. Do you remember
10 talking about that --
11 A. Yes.
12 Q. -- and the black sludge?
13 Was part of that one of the hazardous byproducts,
14 sodium sulfite?
15 A. When we moved to using the thionyl chloride,
16 you have sulfites.
17 Q. And you can't just dispose of sulfite in a
18 normal landfill, correct, or can you?
19 MR. SUTER: Objection.
20 THE WITNESS: No.
21 BY MR. KRONAWITTER:
22 Q. Can you just dispose of sodium sulfite in a
23 normal landfill?
24 MR. SUTER: Objection as to what a normal landfill
25 is.
108: 1 THE WITNESS: We couldn't have found a way to do
2 it.
3 BY MR. KRONAWITTER:
4 Q. And how much -- I'm sorry, go ahead.
5 A. But with the thionyl chloride, there wouldn't
6 have been the sulfites. It would have just been the
7 chlorides.
8 Q. And how much waste byproducts are you talking
9 about? Starting with -- I guess take the final concept for
10 the plant as it existed at the end of August 2011. Do you
11 have an idea about the size of waste byproducts that were
12 going to be produced by this plant?
13 MR. SUTER: Objection. Lacks foundation.
14 THE WITNESS: So we were aiming to get 30 to
15 35 percent yield on the sugar. The remaining sugar gets
16 chlorinated and becomes gunk. Okay? So it would have been
17 more than the mass of the product.
18 BY MR. KRONAWITTER:
19 Q. In terms of metric tons, do you have an

20 opinion about how much would have been produced by the
21 plant?
22 A. Well, it would have had -- if we had
23 300 metric tons of sucralose, we would have had more than
24 300 metric tons. Now, I can't give you the exact number. I
25 can just tell you it's more, so that would be like a ton a
109: 1 day.
2 Q. Of?
3 A. Of waste.
4 Q. Of the hazardous waste byproducts.
5 A. Byproducts that have to go to hazardous waste.

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Pg: 189 Ln: 6 - Pg: 192 Ln: 21

Annotation:
189: 6 Q. Mr. Leveen, this is just kind of -- I guess
7 just kind of trying to summarize where we are.
8 At the end of 13 or 14 months of engineering, you
9 felt that you had a design for a potentially workable
10 sucralose plant; is that correct?
11 A. Yes.
12 Q. Okay. Now, hypothetically, had you put the
13 plant design contained in the cookbook you received in
14 July 2010 in the building that was initially being built to
15 house the factory by Septagon, do you know whether the plant
16 could have made any sucralose whatsoever?
17 MR. SUTER: Objection. Object to the form of the
18 question. Lacks foundation. Speculative. It's a
19 hypothetical.
20 This is not an expert witness.
21 THE WITNESS: The plant could have made some
22 sucralose, but it was an accident waiting to happen to kill
23 people.
24 MR. WADSWORTH: That's all I have.
25 --- o0o ---
190: 1 FURTHER EXAMINATION BY MR. KRONAWITTER
2 Q. Mr. Leveen, again, Joe Kronawitter. I just
3 have a couple of questions. Can I see the triphosgene MSDS
4 sheet?
5 A. Sure.
6 Q. I think it was Exhibit 566, I believe.
7 Thank you. I think you said earlier those are --
8 those sheets are public information, correct?
9 A. Yes.

Pg: 189 Ln: 6 - Pg: 192 Ln: 21 **continued...**

Annotation:
190:10 Q. And they are available on the Internet?
11 A. Yes.
12 Q. And you agree you don't need to be a chemical
13 engineer to read the words on that sheet?
14 MR. SUTER: Objection. Argumentative.
15 THE WITNESS: I would say that someone reading this
16 that it says highly toxic by inhalation and corrosive would

say it's highly toxic.
BY MR. SUTER:
Q. Right. I mean I don't need to be a Monsanto
Fellowship to see the little skull and crossbones on Exhibit
5 6 6, do I?
A. Yeah, I --
MR. SUTER: Object. Argumentative. Calls for --
BY MR. KRONAWITTER:
Q. Here's my point. The point is that's a public
191: 1 document.
A. Yes.
Q. And it clearly indicates by its plain language
triphosgene is hazardous, dangerous and toxic. Do you agree
with that?
A. Right.
Q. Okay. It sounds like -- so you agreed to
consult for Mamtek in early to mid July 2010.
A. Yeah. We said it was the 6th or whatever.
MR. SUTER: The 6th was the first conversation.
BY MR. KRONAWITTER:
Q. And you had reviewed the cookbook and were
ready to talk about it by the April 1st, 2010 meeting.
MR. SUTER: August 1st.
BY MR. KRONAWITTER:
Q. August 1st. I'm sorry.
A. Yeah. I don't know exactly when the cookbook
was given to me --
Q. Right.
A. -- but by August 1st, I had read the cookbook.
Q. And you had come to the conclusions that you
gave us earlier. You agreed that the cookbook design or the
design set forth in the cookbook is a fire and safety
hazard, right?
A. Yes.
192: 1 Q. Now, Mr. Suter asked you if you had ever been
contacted by anyone associated with Morgan Keegan. Do you
remember that question?
A. Yes.
Q. If Morgan Keegan had contacted you to discuss
your thoughts about the cookbook in July of 2010, you would
have shared your opinions with them, wouldn't you?
MR. SUTER: Objection. Object to the form. Lacks
foundation that Mr. Leveen's identity was known to anyone

Pg: 189 Ln: 6 - Pg: 192 Ln: 21 **continued...**

Annotation:
192:10 outside of Mamtek. Calls for speculation. And it misstates
when he read the cookbook relative to when the offering
document was prepared.
BY MR. KRONAWITTER:
Q. You can answer my question.
A. Had anyone from the City, the State, the
lawyers, the bond issuer, whoever it would have been called
me and said can we build this in Missouri as stated in the
cookbook, I would have said no, you cannot.

Q. And you had that opinion as of August 1st, 2010, correct?
A. Yes.

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